

TOWN of STOW

Stow, Massachusetts 01775



SEXUAL HARASSMENT POLICY

I. Introduction:

It is the goal of the Town of Stow to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by the Town. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, this policy is intended to both prevent the occurrence of inappropriate employee conduct and to provide effective procedures in response to complaints of such conduct.

The Town of Stow takes allegations of sexual harassment seriously and will respond promptly to complaints of inappropriate employee conduct. Further, the Town will take necessary and proper remedial action when it has determined that an act of sexual harassment has occurred.

This policy is designed to define the Town's goal of securing and protecting a workplace free of sexual harassment. It is not intended to limit our authority to consider remedial action involving other instances of unacceptable employee conduct, regardless of whether such conduct satisfies the definition of sexual harassment.

II. Definition of Sexual Harassment:

The legal definition of sexual harassment in Massachusetts:

"Sexual harassment" means sexual advances, requests for sexual favors or verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions;

or

- (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or offensive work environment.

For examples, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad. In addition to the above examples, other sexually orientated conduct that is unwelcome and has the effect, whether intended or not, of creating a workplace environment which is intimidating, hostile, humiliating or offensive to male or female workers may also constitute sexual harassment.

Though not intended to represent the complete list, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances - whether physical or verbal;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding a person's sexual life, comment on a person's physical characteristics, comment on a person's sexual activities, deficiencies or prowess;
- Displaying sexually suggestive objects, pictures or cartoons;
- Unwelcome leering, whistling, intentional body contact, sexual gestures, sexually suggestive or insulting comments;
- Unwelcome inquiries into a person's sexual experiences;
- Discussion of an individual's sexual activities with a third person.

III. Complaints of Sexual Harassment:

Any employee who believes that he or she has been sexually harassed has a right to file a complaint with the Town. This can be done orally or in writing.

To file a complaint, contact William Wrigley, Stow Town Administrator, Town Building, Room 202, or call 897-2927. Mr. Wrigley is also available to discuss any questions or concerns you may have regarding the Town's Sexual Harassment Policy and complaint procedure.

Upon receipt of a complaint, the Town Administrator, and/or other designated party, e.g. Selectmen, Town Counsel, female liaison, will exercise due care in taking the necessary and proper steps to fairly investigate the allegation. Confidentiality will be maintained throughout the investigation to the extent practicable. The investigation may include a private interview

with the person(s) filing the complaint, any witnesses, and the person alleged to have committed the sexual harassment. Both the complainant and the accused, to the extent and in the manner appropriate, will be informed of the results of the investigation.

IV. Disciplinary Action:

If it is determined that sexual harassment or other inappropriate conduct has occurred, the Town Administrator will take prompt action to ensure that the conduct ceases and will take any additional action as the facts and circumstances warrant. If the nature and extent of the conduct warrant that disciplinary action be taken, the Town Administrator will comply with the provisions and standards of the Personnel Bylaw, Sections 16 and 17 of Article 11 of the General Bylaws, in administering the discipline.

V. Other Provisions:

The Town will annually provide all employees with an individual copy of its Sexual Harassment Policy, and new employees shall receive such a copy at the time of their employment.

The Town's existing Police Department Sexual Harassment Policy will serve to supplement this townwide sexual harassment policy where Police Department employees are involved. The Police Department policy is not intended to serve in lieu of this policy.

A training and education session will be held no later than December 31, 1996 to initially implement this Policy. Further training and education sessions may be held as circumstances warrant.

VI. Federal and State Remedies:

Beyond the Sexual Harassment Policy of the Town of Stow, if an employee believes he or she has been subjected to sexual harassment they may file a formal complaint with either or both of the governmental agencies identified below. Initiating a complaint pursuant to the Town's Sexual Harassment Policy does not prevent an employee from filing a complaint with the state and federal government.

1. U. S. Equal Employment Opportunity Commission (EEOC)
10 Congress Street - 10th Floor
Boston, MA 02114
617-565-3200
(300 days to file a claim)
2. Massachusetts Commission Against Discrimination (MCAD)
One Ashburton Place - Room 601
Boston, MA 02108
617-727-3990
(6 months to file a claim)

11/27/96